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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/707,246 | 12/01/2003 | Reinhart Ciglenec | 20.2893 | 1245 |
| 23718 | 7590 | 09/02/2005 | EXAMINER | |
| SCHLUMBERGER OILFIELD SERVICES 200 GILLINGHAM LANE MD 200-9 SUGAR LAND, TX 77478 | | | SMITH, MATTHEW J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3672 | |

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/707,246 | Applicant(s) CIGLENEC ET AL. | |
| | Examiner Matthew J. Smith | Art Unit 3672 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-16 and 33-42 is/are allowed.
- 6) ☒ Claim(s) 1-4, 17, 25 and 28-32 is/are rejected.
- 7) ☒ Claim(s) 18-24, 26, and 27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1Dec03&22Mar05</u> . | 6) <input type="checkbox"/> Other: ____ |

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 527, 528 (fig. 5); 421a (fig. 4); 705 (fig. 8B).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: paragraph [0037], last sentence, "7001,200 pounds per square inch." does not make sense.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Michaels et al. (5377755).

Michaels et al. disclose a downhole fluid pump 24, comprising: a pump chamber 62; and a piston 58 disposed in the pump chamber so that the piston will move in a charge stroke and a discharge stroke when the piston is exposed to a pressure differential (col. 8, line 45) including the discharge stroke exposed to a higher internal pipe 19 pressure (col. 8, lines 51-68); a second piston 60 disposed in a second pump chamber 62; and a connecting rod 54, 56 coupled to the pistons.

This reference also discloses a method of operating a fluid pump 24, comprising: operating the fluid pump in a charge stroke and a discharge stroke by applying a lower pressure to a first side of a piston (col. 8, line 45); operating the fluid pump in the other of the charge stroke and the discharge stroke by applying a higher pressure to the first side of the piston; selectively repeating the applying the lower pressure to the first side of the piston; and applying the higher pipe pressure to the first side of the piston (col. 8, lines 51-68).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger (6516898) in view of Michaels et al.

Krueger discloses a formation evaluation while drilling tool, comprising: a drill collar 142 (col. 6, line 34); a fluid inlet probe 41 (col. 9, lines 4-16); a first packer 156 (col. 6, line 53) disposed above the fluid inlet and a second packer 146 (col. 6, line 53) disposed below the fluid inlet; an exit port (fig. 1C) and at least one sample chamber 45 (col. 9, lines 4-16); and a pressure sensor 46 (col. 9, lines 14-15) but not a fluid pump in fluid communication with the fluid inlet, a pump chamber or a first piston disposed in the pump chamber so that the piston will move in a charge stroke and a discharge stroke when the piston is exposed to an internal pipe pressure.

Michaels et al. present a formation tester having a fluid pump 24 in fluid communication with a fluid inlet 18; a pump chamber 62; a first piston 58 disposed in the pump chamber so that the piston will move in a charge stroke and a discharge stroke when the piston is exposed to an internal pipe 19 pressure (col. 7, lines 47-68; col. 8, lines 1-12).

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the pump assembly, presented in the Michaels et al. formation tester, in the Krueger formation tester in order to be selectively capable for direct or indirect pumping for filling sample tanks (Michaels et al., col. 4, lines 25-26).

Allowable Subject Matter

Claims 5-16 and 33-42 are allowed.

Claims 18-24, 26, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pope (4591320) shows a double-headed piston with multiple valved inputs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is 571-272-7034. The examiner can normally be reached on T-F, 9-4.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 or 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

MJS *MJS*
27 August 2005